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CITY

OF

FENNVILLE

CITY CHARTER

**CHARTER OF THE
CITY OF FENNVILLE
STATE OF MICHIGAN
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**CHARTER OF THE
CITY OF FENNVILLE
STATE OF MICHIGAN**

**CHAPTER 1
Name and Boundaries**

SECTION 1.1 NAME: The name of this organized City is the “City of Fennville.” It is a municipal corporation.

SECTION 1.2 BOUNDARIES: The boundaries of the City when this Charter takes effect shall continue until changed in accordance with the relevant provisions of law.

**CHAPTER 2
General Municipal Powers**

SECTION 2.2 POWERS OF THE CITY: Unless otherwise provided or limited in this Charter, the City and its officers shall have all powers, privileges and immunities, expressed or implied, which cities and their officers are now or are subsequently given by the Constitutions and the laws of the State of Michigan and of the United States of America. Specifically, but without limitation, the City and its officers shall have all the powers, privileges and immunities which are granted by Act No. 279 of the Michigan Public Acts of 1909, as amended. In no case shall the enumeration of any particular power, privilege or immunity in this Charter be held to be exclusive or exhaustive.

SECTION 2.2 FURTHER DEFINITION OF POWERS: The powers of the City shall include, but not limited to the following:

- (a) The acquisition, in any manner permitted by law, of private property of every type and nature for use by the City in any permitted way, whether the property is located within or without the City’s boundaries;
- (b) The maintenance, development, operation, leasing and disposing of City property in any manner permitted by law;
- (c) The acquisition by condemnation or any other manner permitted by law of any public utility property;
- (d) The use, regulation, improvement and control of the surface of the City’s streets, alleys, public ways and other public places, including the space above and beneath them to the extent allowed by law;
- (e) The preparation of a plan for streets and alleys within, and for a reasonable distance beyond, the City’s boundaries;
- (f) The construction, acquisition, establishment, operation, extension and maintenance of facilities for storing and parking vehicles within the City’s

boundaries, including the establishment and collection of charges for parking services;

- (g) The establishment of zoning districts within which the use of land and structures may be regulated by ordinance;
- (h) The regulation of trades, occupations and amusements within the City, including the prohibition of such trades, occupations and amusements as are deemed to be detrimental to the health, morals or welfare of the City's visitors or inhabitants;
- (i) The regulation of advertising signs, displays and billboards within the City;
- (j) The prevention of injury or nuisance to the City's inhabitants or visitors from anything which is dangerous, offensive or unhealthy, and the punishment of those causing any such injury or nuisance;
- (k) The prescription of terms and conditions upon which licenses and franchises may be granted, suspended or revoked;
- (l) The regulation of all airports located within the City's boundaries, to the extent the City is not preempted from such regulations;
- (m) The regulation of all dwelling units located within the City's boundaries;
- (n) The establishment of requirements for plats and subdivisions within the City's boundaries;
- (o) The regulation of fires, firearms, fireworks and combustible or explosive substances or materials within the City;
- (p) The regulation of motor vehicle traffic and parking;
- (q) The regulation of junk yards, including the dismantling and disposing of motor vehicles and their parts;
- (r) The regulation of hawkers, peddlers, pawnbrokers and transient merchants in the City; and
- (s) The authority to perform all of the City functions contemplated by this Charter.

SECTION 2.3 OUTSIDE FIRE PROTECTION: The Commission shall have the right to contract with persons to furnish fire protection to property outside the City's boundaries for a fair consideration.

SECTION 2.4 INTERGOVERNMENTAL CONTRACTS: The City may join with one or more governmental units or agencies, to the extent permitted by law, for the performance of any power or duty which the City or such other governmental unit or agency is authorized to perform on its own.

CHAPTER 3 Elections

SECTION 3.1 PRECINCTS: The City shall consist of one ward and one election precinct. The Commission may, by ordinance, establish convenient precincts.

SECTION 3.2 ELECTED OFFICERS AND TERMS OF OFFICE: At each regular City election, there shall be elected from the City at large the number of Commissioners whose respective term expires at that time. The term of office for each Commissioner shall be four years and shall commence the Monday next following the date of the regular City election at which each Commissioner was elected.

SECTION 3.3 ELIGIBILITY FOR OFFICE: No person who is in default to the City shall be elected or appointed to any City office. The election or appointment of such a person shall be void. No person shall be eligible for any elective City office unless the person is a qualified City elector and has been a City resident for at least one year immediately before the election at which the person is a candidate for office.

SECTION 3.4 REGULAR CITY ELECTIONS: A regular City election shall be held on the first Tuesday after the first Monday in November of each odd numbered year.

SECTION 3.5 ELECTION PROCEDURE: The general election laws of the State shall apply to and control all procedures relating to the City election, except as such general election laws relate to political parties or partisan procedure, and except as otherwise provided in this Charter. The election of all City officers shall be on a non-partisan basis.

SECTION 3.6 SPECIAL CITY ELECTIONS: Special city elections shall be held when called by resolution of the Commission and when scheduled by the County Election Scheduling Committee pursuant to State law. Any resolution calling a special City election shall set forth the purpose of the election. No more than two special City elections shall be held in any one fiscal year.

THIS SECTION REPEALED BY VOTE 11/02/04 -SECTION 3.7 PRIMARY CITY ELECTIONS: Primary City elections shall be held when necessary on the first Tuesday after the first Monday of each August before a regular City election.

SECTION 3.8 NOTICE OF ELECTIONS: Notice of the time and place of holding any City election, of the officers to be elected and of the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the general election laws of the State.

SECTION 3.9 VOTING HOURS: The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at State elections, subject to any statutory right of the Commission to adjust the hours.

SECTION 3.10 NOMINATIONS: All candidates for a City elective office shall be nominated by petition. Each candidate's petition must be signed by at least 15 but not more than 40 qualified registered City electors. No person shall sign a greater number of petitions for any one City office than there are candidates to be elected to that office at that election. If a person signs more petitions than there are candidates to be elected to that office, the signature of that person shall be invalidated on all petitions. Nomination

petitions shall be filed with the Clerk not later than 4:00 p.m. on the twelfth Tuesday prior to the date of the City election. At least one week but not more than three weeks before the last day permitted for filing nomination petitions, the Clerk shall publish a notice of that last day and of the number of persons to be elected to each office.

REPEALED BY VOTE 11/02/04- SECTION 3.11 ELIMINATION OF PRIMARY CITY ELECTIONS: When the time for filing nomination petitions for any regular City election expires, and if there are not more than twice the number of candidates as there are persons to be elected at that regular City election, then there shall be no primary City election that year. Those candidates who filed valid petitions shall then be declared to be the nominees for the elective City Offices.

THIS SECTION REPEALED BY VOTE 11/02/04-- SECTION 3.12 PURPOSE OF PRIMARY CITY ELECTIONS: If a primary City election is held, its purpose shall be to reduce the number of candidates to be voted upon at the following regular City election to twice the number of candidates as are to be elected.

SECTION 3.13 FORM OF PETITIONS: The City's petition form shall be substantially similar to that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be maintained by the Clerk.

SECTION 3.14 APPROVAL OF PETITIONS: The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by the Clerk and which, considered together, contain the required number of valid signatures for candidates with the qualifications required for elective City office. When a petition is filed by a person other than the candidate, it may be accepted only when accompanied by the written consent of the candidate. Promptly after the filing of a petition, the Clerk shall notify in writing any candidate whose petition is then known to not meet the requirements of the Charter; however, the Clerk's failure to so notify any candidate shall not prevent a final determination that the petition does not meet those requirements. Within five days after the last date for filing petitions, the Clerk shall make the final determination as to the validity and sufficiency of each nomination petition, and whether or not each candidate has the qualifications required for the elective City office. The Clerk shall write the final determination on the face of each petition and shall notify in writing the candidate whose name appears on each petition.

SECTION 3.15 ELECTION COMMISSION: An Election Commission is created, consisting of the Clerk, the Treasurer and the Superintendent. The Clerk shall be the chair. The Election Commission shall have charge of all activities and duties required of it by State law relating to the conduct of City elections. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

SECTION 3.16 FORM OF BALLOTS: The form, printing and numbering of ballots, or the preparation of any voting machines, used in any City election shall

conform as nearly as possible to that prescribed by the general election laws of the State. However, no party designation or emblem shall appear.

SECTION 3.17 CANVASS OF VOTES: A board of canvassers shall be established and shall operate in accordance with the requirements of the general election laws of the state.

SECTION 3.18 RECOUNT: The votes cast at any City election for any office or any proposition may be recounted in accordance with the general election laws of the State.

SECTION 3.19 RECALL: Any elected City officer may be recalled from office by City electors in a manner provided by the general laws of the State. A vacancy created by the recall of any elected City officer shall be filled according to the general laws of the State.

CHAPTER 4

Plan of Government

SECTION 4.1 THE COMMISSION: The City electors shall elect a Commission of seven members, one of whom shall serve as Mayor. The Commission shall constitute the legislative and governing body of the City. The Commission shall have power and authority, except as otherwise provided in this Charter, to exercise all powers conferred upon or possessed by the City.

SECTION 4.2 COMPENSATION OF COMMISSIONER: The Commission shall by resolution fix the compensation for Commissioners. The Commission may by resolution reimburse reasonable expenses actually incurred by Commissioners. Commissioners shall receive no other compensation from the City.

SECTION 4.3 ELECTION OF MAYOR: The Commission shall, at its first meeting following each regular City election, elect one of its members to serve as Mayor for a term expiring at the first Commission meeting following the next regular City election.

SECTION 4.4 DUTIES OF MAYOR: To the extent required and allowed by law, and for all ceremonial purposes, the Mayor shall be recognized as the head of the City. The Mayor shall have an equal voice and vote in the proceedings of the Commission. The Mayor may request citizens to assist the enforcement of applicable ordinances and laws. The mayor shall execute or otherwise authenticate such instruments as the Commission, this Charter, State law or Federal law shall require. The Mayor shall give the Commission information pertaining to its legislative and policy functions. The Mayor shall make appointments to the City's committees and boards, unless otherwise provided by this Charter or the laws of the State. In any events, the Mayor's appointments shall be subject to confirmation by the Commission.

SECTION 4.5 MAYOR PRO TEM: The Commission may designate a Mayor Pro Tem to perform the duties of the Mayor when, because of absence from the City, disability or otherwise, the Mayor is temporarily unable to perform the duties of that office. If both the Mayor and the Mayor Pro Tem are absent, the Commission shall appoint one of its other members to perform the duties of the Mayor.

SECTION 4.6 ADMINISTRATIVE OFFICERS: The administrative officers of the City shall include the Clerk, Treasurer, Assessor, Attorney, Chief of Police, Fire Chief, Superintendent, and such additional administrative officers as may be created by ordinance. All such administrative officers of the City shall perform those duties required by State law, Federal law, this Charter, City ordinances, and Commission directives. The Commission may combine any administrative offices in any manner it deems necessary or advisable for the City's proper and efficient operation, including the offices of Clerk and Treasurer. The Commission may fill any administrative office by contracting with another local unit of government rather than hiring its own employee to fill the position.

Except as otherwise provided in this Charter or by the laws of the State, all administrative officers of the City shall be appointed by the Commission for an indefinite period, shall serve at the pleasure of the Commission, and shall have their compensation fixed by the Commission.

SECTION 4.7 CITY CLERK, FUNCTIONS AND DUTIES: The City Clerk shall be the Clerk of the Commission. The Clerk or the Deputy Clerk shall attend all meetings of the Commission and shall keep a permanent journal in the English language of the Commission's proceedings. In addition, the Clerk shall:

- (a) Keep a record of all ordinances, resolutions and other actions of the Commission;
- (b) Be the custodian of the City seal and affix it to all required documents;
- (c) Be the custodian of all papers, documents and records pertaining to the City, unless otherwise required by law.
- (d) Provide the appropriate officials with ample notice of the expiration or termination of any franchise, license, contract or agreement.
- (e) Administer all oaths required by law;
- (f) Certify all ordinances and resolutions enacted or passed by the Commission;
- (g) Maintain in the Clerk's office a supply of forms for all petitions required to be filed with the Clerk for any purpose.
- (h) Maintain a system of City accounts which conforms to any uniform system required by State law or the Commission;
- (i) Balance all City accounts at the end of each calendar month and report on the balance to the Commission, unless the Commission assigns this duty to some other officer.
- (j) Be responsible for the operation of the Municipal Ordinance Violations Bureau, if it is established by an ordinance adopted by the Commission; and
- (k) Perform any other duties as are required by State law, Federal law, this Charter or the Commission.

SECTION 4.8 CITY TREASURER, FUNCTIONS AND DUTIES: The City Treasurer shall:

- (a) Receive and maintain custody of all City moneys and all evidences of value belonging to or held in trust by the City;
- (b) Have custody of the Clerk's bond;
- (c) Disburse City funds according to the direction and the procedures established by the Commission, this Charter and State law;
- (d) Keep and deposit all moneys or funds only in such manner and only in such places as the Commission may direct and as is allowed by State law;
- (e) Have such powers and duties for the collection and custody of State, County, School District and City taxes and moneys as are conferred by State law; and
- (f) Perform any other duties as are required by State law, Federal law, by this Charter or the Commission.

SECTION 4.9 CITY ASSESSOR, FUNCTIONS AND DUTIES: The City Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by the general laws of the State. The Assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter or by the Commission. The Assessor shall perform any other duties as are required by State law, Federal law, this Charter or the Commission.

SECTION 4.10 SUPERINTENDENT: The Superintendent shall supervise, direct, instruct and evaluate the City's public works employees (i.e. those employees, who are responsible to maintain City property, operate City equipment and provide City services to City residents). The Superintendent shall perform any other duties as are required by State law, Federal law, this Charter or the Commission.

SECTION 4.11 POLICE OFFICERS: Police officers hired by or contracted for by the City shall have all the powers, immunities, and privileges granted to police officers by State and Federal law for the making of arrests, the preservation of order, and the safety of persons and property in the City. Police officers shall make and sign complaints to or before the proper officers and magistrates against any person known to be, or upon complaint or information believed to be, guilty of any violation of this Charter, or of City ordinances, or of State or Federal laws for which a penalty is provided. Violations of City ordinances shall be deemed to be misdemeanors or civil infractions.

SECTION 4.12 FILLING VACANCIES IN ELECTIVE OFFICES: If a vacancy occurs in any elective office, the Commission shall, within 60 days after the vacancy occurs, appoint a person to fill the vacancy for the unexpired term. If a vacancy in the Commission is not filled within that time, or if the Commission simultaneously has four or more vacancies, the Clerk shall call a special election to be held within 60 days, unless a regular City election will occur during those 60 days.

SECTION 4.13 CHANGE IN TERM OF OFFICE OR COMPENSATION: Except by procedures provided in this Charter, the terms of the City's elected officers shall not be shortened. The terms of the City's elected officers shall also not be extended; however, an elected City officer shall, after the officer's term has expired, continue to hold office until the officer's successor takes office. The Commission shall not grant or authorize extra compensation for service which has already been rendered to the extent State law prohibits retroactive compensation. The salaries of elected City officers may only be adjusted as allowed by State law.

CHAPTER 5

Function of the Commission

SECTION 5.1 REGULAR MEETINGS: The Commission shall provide by resolution for the time and place of its regular meetings. The Commission shall meet at least once each month.

SECTION 5.2 SPECIAL MEETINGS: Special meetings of the Commission shall be called by the Clerk on the written request of the Mayor or any two members of the Commission. At least 24 hours' written notice shall be given to each Commissioner, served personally or left at each Commissioner's usual place of residence. However, in an emergency, the Commission may meet as allowed by State law.

SECTION 5.3 BUSINESS AT SPECIAL MEETINGS: No business shall be transacted at any special meeting of the Commission unless it has been stated in the notice of that meeting. However, if all the members of the Commission are present at any special meeting of the Commission, then any business which might lawfully come before a regular meeting of the Commission may be transacted at that special meeting.

SECTION 5.4 MEETINGS TO BE PUBLIC: All regular and special meetings of the Commission shall be open to the public and held in accordance with State law. Portions of regular and special meetings may be closed to the public as allowed by State law. Citizens shall have a reasonable opportunity to be heard at all meetings of the Commission.

SECTION 5.5 QUORUM: Four members of the Commission shall be a quorum for the transaction of business at all Commission meetings. In the absence of a quorum, any number less than a quorum may adjourn any Commission meeting to a later date.

SECTION 5.6 RULES OF THE COMMISSION: (a) The Commission shall determine its own rules and order of business. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "Yes" and "No" votes and entered upon the record prepared by the Clerk. However, where the vote is unanimous, it shall only be necessary to so state in the record.

(b) The Commission may compel its members and other officers and employees of the City to attend its regular and special meetings. Any member of the Commission or other officer or employee of the City who refuses to attend the

required Commission meeting or to act in an orderly manner while there shall be deemed guilty of misconduct in office.

- (c) No Commissioner shall vote on any question in which, under State law, the Commissioner has a financial interest other than the common public interest, or on any question concerning the commissioner's own conduct. Otherwise, a Commissioner shall vote upon all other issues before the Commission for its determination unless excused by a unanimous vote of the remaining present Commissioners.
- (d) The proceedings of the Commission or a summary thereof shall be published in a newspaper of general circulation in the City at least once within 15 days following each meeting. If a summary is used, it shall be prepared by the Clerk and approved by the Mayor, and it shall show the substance of the Commission's proceedings.

SECTION 5.7 PRIOR LEGISLATION: All ordinances, resolutions, rules, regulations and policies not inconsistent with the provisions of this Charter, and which are in full force and effect at the time of the adoption of this Charter, shall continue in full force and effect until or unless repealed or amended.

SECTION 5.8 ORDINANCE ENACTMENT: All legislation of the City shall be enacted by ordinance or by resolution. The word "resolution" as used in this Charter shall be the official action of the Commission in the form of a motion. All acts of the Commission which carry a penalty if they are violated shall be by ordinance. Ordinances may be enacted, amended or repealed by the affirmative vote of not less than four Commissioners. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. All ordinances passed by the Commission shall state "The City of Fennville Ordains:" as a heading. Except for those declared to be emergency ordinances, no ordinance shall be finally passed by the Commission at the same meeting at which it is introduced. When enacted, all ordinances shall be signed by the Mayor and the Clerk and then recorded in "The Ordinance Book" or the City's Code of Ordinances.

SECTION 5.9 PENALTIES FOR VIOLATION OF ORDINANCES: The Commission may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any City ordinance shall not exceed the maximum fine and/or the maximum imprisonment allowed by State law for the violation of local ordinances.

SECTION 5.10 PUBLICATION OF ORDINANCES: Each ordinance shall be published in a newspaper of general circulation in the city at least once within 15 days after its adoption by the Commission. All ordinances of the City shall become effective immediately upon their publication, unless a subsequent date is specified in the ordinance itself. The publication of any ordinance in full after its passage as part of the published proceedings of the Commission shall constitute the required publication of that ordinance. An ordinance which is declared to be immediately necessary for the preservation of the public peace, health or safety may be given effect before publication

in a newspaper if preliminary publication is accomplished by conspicuously posting copies of the ordinance in ten public places in the City; however, that ordinance must still be published in the manner required for other ordinances within fifteen days after its adoption.

SECTION 5.11 TECHINCAL CODES: Ordinances and codes of a technical nature may be enacted and published by reference in a manner allowed by State law.

SECTION 5.12 INITIATIVE AND REFERENDUM: By petition and according to the procedure in this Charter or established by State law, an ordinance may be initiated or a referendum may be had on an ordinance passed by the Commission.

SECTION 5.13 PETITIONS: A petition for initiative or referendum shall be signed during the six months preceding its filing with the Clerk by not less than fifteen percent of the registered electors of the City. Before being circulated for signatures, a petition must be approved as to form by the Clerk. Each person signing a petition shall sign the person's name in ink or indelible pencil; the person shall also indicate the date and the person's address. A sworn affidavit shall be attached to each petition by the petitioner's circulator; the affidavit shall state the number of petitioner signers, that each signature is the genuine signature of the person whose name it purports to be, and that each signature was made in the presence of the circulator. The petition shall be filed with the Clerk. Within ten days, the Clerk shall canvass the signatures on the petition to determine their sufficiency. If the petition is found to contain an insufficient number of signatures of registered electors of the City, or to be improper as to form or compliance with the provisions of this Charter, the Clerk shall promptly notify the person filing the petition; ten days from the notification shall be allowed for the filing of supplemental petition papers. If the Clerk finds the petition sufficient and proper, the Clerk shall present it to the Commission at the next regular meeting.

SECTION 5.14 COMMISSION PROCEDURE: Upon receiving from the Clerk a sufficient and proper petition for initiative or referendum, the Commission shall take action within 30 days. (a) Upon receipt of a petition for initiative, the Commission shall either adopt the ordinance as submitted in the petition or submit it to the electors of the City. (b) Upon receipt of a petition for referendum, the Commission shall either repeal the ordinance to which the petition refers or submit it to the electors of the City.

SECTION 5.15 SUBMISSION TO ELECTORS: If the Commission submits the petition to the electors, it shall do so at the next election held in the City for any purpose, or, in the discretion of the Commission, at a special election. The result shall be determined by a majority vote of the electors voting at the election.

SECTION 5.16 ORDINANCE SUSPENDED: The Clerk's certification of the sufficiency of a petition for referendum filed within 30 days after the passage of the ordinance to which the petition refers shall automatically suspend the operation of the ordinance, pending repeal by the Commission or final determination by the electors of the City. An ordinance adopted by a vote of the electors of the City following a petition for

initiative may not be amended or repealed by the Commission for a period of two years after the date of the election at which it was adopted.

SECTION 5.17 RESTRICTIONS ON THE COMMISSION: Unless approved by a 60 percent majority of the City electors voting on the particular issue at a regular or special election, the Commission shall not have the power to:

- (a) Sell any cemetery, in whole or in part; or
- (b) Sell any park, in whole or in part, unless the park is not designated as a park in the City's master land use plan.

If a vote of the electors is taken and the requested power is not granted to the Commission, another vote on that same issue may not be taken for one year.

Except by the affirmative vote of four Commissioners, no office shall be created or abolished; no tax or assessment shall be imposed; no street, alley, or public ground shall be vacated; no real estate or any interest in it shall be sold or conveyed; no action shall be taken to condemn private property for public use; no money shall be appropriated; and no prior vote of the Commission shall be reconsidered or rescinded.

SECTION 5.18 INVESTIGATIONS: The Commission shall have the power to inquire into the conduct of any department, office or officer of the City. The Commission shall also have the power to investigate City affairs by subpoenaing witnesses, administering oaths, and compelling the production of books, and other evidence. The Commission may exercise these powers itself or through any person or committee it authorizes.

Failure of any city officer to obey a subpoena or any other lawful order under this Section shall constitute misconduct in office.

CHAPTER 6 Finance and Taxation

SECTION 6.1 FISCAL YEAR: The fiscal year of the City and all its agencies shall begin on the first day of July of each year and end on the last day of June of the following year.

SECTION 6.2 RIGHT TO ASSESS AND LEVY TAXES: In order to carry out its lawful powers and duties, the City may assess, levy and collect taxes, rents, tolls and excises.

SECTION 6.3 LIMIT OF DIRECT PROPERTY TAXATION: The annual general ad-valorem tax levy for municipal purposes shall not exceed 1.5 percent (15 mills) of the assessed value of real and personal property in the City.

SECTION 6.4 CITY FUNDS: After the City has made proper provisions for the City's bonded indebtedness, the balance of the City's annual revenues shall be divided

into such funds as the Commission may establish. The funds named in the Annual Appropriation Bill for which money is appropriated shall be deemed established by the Commission without further specification. Each year the Annual Appropriation bill shall provide for a contingent fund to defray the contingent and other expenses of the City for which no other payment provision is made.

SECTION 6.5 SUBJECT OF AD VALOREM TAXATION: The subjects of ad valorem taxation for municipal purposes shall be the same as for State, county and school purposes under State law. Except as otherwise provided by this Charter, City taxes shall be assessed, levied and collected in the manner provided by State law.

SECTION 6.6 TAX DAY: Subject to the exceptions provided or permitted by State law, the taxable status of persons and property shall be determined as of December 31, which shall be deemed tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which the roll is made. No changes in status or location of any property after tax day shall be considered by the assessor or the Board of Review.

SECTION 6.7 PREPARATION OF THE ASSESSMENT ROLL: Prior to the first meeting of the Board of Review each year, the Assessor shall prepare and certify an assessment roll of all property in the City liable to taxation. The roll shall be prepared in accordance with State law and this Charter. Values of property in the assessment roll shall be determined according to recognized methods of systematic assessment. Prior to the first meeting of the Board of Review each year, the Assessor shall give notice by first class mail to any property owner whose property is added to the assessment roll or whose property on the assessment roll is assigned an increased assessed value. Failure to give this notice or the owner's failure to receive it shall not invalidate any assessment roll or any individual assessment.

SECTION 6.8 BOARD OF REVIEW: The Board of Review shall be composed of three members who meet the eligibility criteria in this Chapter for City office. During their term of office. Board of Review members shall not be City officers or employees or candidates for elective City office. One member of the Board of Review shall be appointed by the Commission annually in January for a term of three years, to replace the member whose term expires that year. Members of the Board of Review may be removed for malfeasance, misfeasance or nonfeasance of office by a vote of four or more members of the Commission. The Commission shall fix the compensation of the members of the Board of Review. The Board of Review shall, on its first day of meeting each year, select its chairman for the ensuing year. The Assessor shall be the Clerk of the Board of Review but shall not be a member. A majority of the members of the Board of Review shall constitute a quorum.

SECTION 6.9 MEETINGS OF THE BOARD OF REVIEW: The Board of Review shall meet each year in its first session on the Tuesday following the first Monday in March, at the time and place designated by the Commission. Alternatively, the Board of Review may hold its first session on any other day in March designated by

the Commission. The Board of Review shall remain in session for at least one day for the purpose of considering and correcting the assessment roll. In each case where the assessed value of any property is increased or any property is added to the assessment roll by the Board of Review, the Assessor shall give notice of that action by first class mail to the owners of the relevant property. The notice shall state the date, time, place and purpose of the next session of the Board of Review, which shall be at least five days after the notice is mailed. Failure to give this notice or the owner's failure to receive it shall not invalidate any assessment roll or any individual assessment. The Board of Review shall convene its second session on the second Monday in March of each year, at the time and place designated by the Commission. Alternatively, the Board of Review may hold its second session on any other day designated by the Commission which is at least five days after the mailing of the notices described above. The Board of Review shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six hours. At its last session the Board of Review may not increase any assessment or add any property to the assessment roll.

SECTION 6.10 NOTICE OF MEETINGS: Notice of the date, time and place of the sessions of the Board of Review shall be published by the Clerk in a newspaper of general circulation in the City, once each week, for the four consecutive weeks prior to the second session of the Board of Review.

SECTION 6.11 DUTIES AND FUNCTIONS OF BOARD OF REVIEW: For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform the same duties as are conferred upon and required of township boards of review, except as otherwise provided in this Charter. The Board of Review shall hear the complaints of all persons dissatisfied with their assessments. If any person or property has been wrongfully assessed or omitted from the assessment roll, the Board of Review shall correct the assessment roll as it considers just. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, or additions or corrections to, the assessment roll. The Assessor shall keep a permanent record of all proceedings, including all resolutions and decisions of the Board of Review.

SECTION 6.12 ENDORSEMENT OF ROLL: After the Board of Review has completed its review of the assessment roll, a majority of Board of Review members shall endorse it and sign a statement indicating that it is the assessment roll of the City for the year in which it has been prepared. This shall be done not later than the first Monday in April. The omission of this endorsement shall not affect the validity of the assessment roll.

SECTION 6.13 CLERK TO CERTIFY TAX LEVY: Within three days after the Commission has adopted the budget for the ensuing year, the City Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general ad valorem taxation. The Clerk shall also certify all amounts of current or delinquent special assessments and all other amounts which the Commission requires to be charged, assessed or reassessed upon any property or against any person.

SECTION 6.14 CITY TAX ROLL: After the Board of Review has completed its review of the assessment roll; the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll." Upon receiving from the Clerk the certification of the several amounts to be raised, as provided in the previous section, the Assessor shall spread upon the City Tax Roll the several amounts determined by the Commission to be charged, assessed or reassessed against persons or property. The Assessor shall also spread the amounts of the general ad valorem tax to be collected by the City in proportion to the several valuations set forth in the City Tax Roll. To avoid fractions in computation, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by State law. Any excess created thereby shall belong to the City.

SECTION 6.15 CITY TAX ROLL CERTIFIED FOR COLLECTION: After spreading the taxes and placing other assessments and charges on the City Tax Roll, the Assessor shall certify it. The Mayor shall annex a warrant to the City Tax Roll, directing the Treasurer to collect from the persons named in the City Tax Roll the sums specified opposite their respective names as a tax, assessment or charge. The Treasurer shall have all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On June 15 the City Tax Roll shall be delivered to the Treasurer for collection.

SECTION 6.16 TAX LIEN: On June 15 the taxes, assessments and charges assessed on the City Tax Roll shall become a debt due to the City from the persons to whom they are assessed. On July 1 the amounts assessed on any interest in real property shall become a lien upon that real property for those amounts. All personal taxes shall become a first lien on all personal property of the persons so assessed. The liens shall take precedence over all other claims, encumbrances and liens to the extent allowed by State law or Federal law and shall continue until such taxes, interest and charges are paid.

SECTION 6.17 NOTIFICATION OF TAXES DUE: City taxes shall be due on July 1 of the year when levied. The Treasurer shall not be required to make personal demand for the payment of taxes. At least 10 days before July 1 each year, the Treasurer shall give notice to the City taxpayers by at least one publication in a newspaper of general circulation in the City. The notice shall state when taxes shall be due for collection. The Treasurer shall also give that notice by first class mail, addressed to the owners of property upon which taxes are assessed, according to the names of such owners and their addresses as indicated on the City Tax Roll. Notice delivered in these ways shall be deemed sufficient for the payment of all taxes on the City Tax Roll. Failure of the Treasurer to give any notice shall not invalidate the taxes on the City Tax Roll or release any person or property assessed from the penalty provided in this Charter.

SECTION 6.18 COLLECTION FEES AND PENALTIES: To all taxes there shall be added one percent as a collection fee. To all taxes paid after August 15, there shall also be added a three percent penalty. The collection fees, penalties, and any interest shall belong to the City; they shall be a charge and a lien against the property to which

the taxes themselves apply, collectable in the same manner as the taxes to which they are added.

SECTION 6.19 FAILURE OR REFUSAL, TO PAY PERSONAL PROPERTY TAX: If any persons neglect or refuse to pay any personal property tax assessed to them, the Treasurer shall collect the tax by seizing the personal property of those persons, to an amount sufficient to pay the tax, plus any fees, penalties and interest. No personal property shall be exempt from seizure by the Treasurer. The Treasurer may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with State law. The Treasurer may, if otherwise unable to collect a tax on personal property, sue the person to whom it is assessed in accordance with State law.

SECTION 6.20 DELINQUENT TAX ROLL TO COUNTY TREASURER: All City taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when the City Tax Roll was received by the Treasurer shall be returned to the County Treasurer in the manner and with the same effect as provided by State law for township treasurers to return township, school and county taxes. The real property taxes returned by the Treasurer to the County Treasurer shall include any additional fees, penalties, assessments and interest, which shall be added to the amount assessed in the City Tax Roll against the property or person. The taxes so returned shall be collected in the same manner as are other taxes returned to the County Treasurer, in accordance with State law, and they shall remain a lien upon the property against which they are assessed until paid.

SECTION 6.21 STATE, COUNTY AND SCHOOL TAXES: For the purpose of assessing and collecting taxes for State, county and school purposes, the City shall be considered the same as a township. All provisions of State law relative to the collection of and accounting for State, county and school taxes shall apply to the City. For these purposes, the Treasurer shall perform the same duties and have the same powers as township treasurers under State law. Tax monies collected by the Treasurer for other units of government shall be kept in a separate bank account.

SECTION 6.22 RECOMMENDATION OF BUDGET: Not later than May 31 of each year, the Chair of the City Finance Committee shall present a recommended budget to the Commission. The recommendation shall present a complete financial plan for the following fiscal year. It shall include at least the following information:

- (a) Detailed estimates of all proposed expenditures for each City department and office, together with the expenditures for each department and office for the current and last preceding fiscal year, and with reasons for recommended increases and decreases;
- (b) An estimate of all capital projects pending or which the Committee Chair believes should be undertaken within the budget year and within the next four succeeding fiscal years;

- (c) Statements of bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the conditions of any sinking funds;
- (d) Detailed estimates of all anticipated income to the City from taxes and any other sources, compared with the amounts received by the City from each of the same or similar sources for the current and last preceding fiscal year;
- (e) A statement of the estimated unencumbered balances or deficits at the end of the budget year, compared with those balances or deficits for the current and last preceding fiscal year; and
- (f) Such additional information as the Commission or State law may require.

SECTION 6.23 ADOPTION OF BUDGET: Not later than June 30 of each year, the Commission shall by resolution adopt a budget for the following fiscal year and appropriate the money required by the budget. If the Commission fails to timely adopt a budget, the recommended budget from the chair of the City Finance Committee shall be a de facto budget for the City until the Commission does adopt a budget.

SECTION 6.24 UNPAID SPECIAL ASSESSMENTS: The budget shall contain, under the heading “Special Assessments,” the amount of all special assessments which are returned by the Treasurer as “unpaid” and which are to be reassessed in the next City Tax Roll.

SECTION 6.25 BUDGET CONTROL: Except for purposes which are to be financed by the issuance of bonds or by special assessments, no money shall be drawn from the City treasury and no obligation for the expenditure of money shall be incurred, except pursuant to budget appropriations. The Commission may transfer any unencumbered appropriation balance or any portion of one from one department fund or agency to another. The balance of any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and may be re-apportioned during the next fiscal year.

SECTION 6.26 QUARTERLY REPORTS OF INCOME AND EXPENSES: At the beginning of each quarterly period during the fiscal year, and more often if required by the Commission, the Clerk shall submit to the Commission data showing the relation between the estimated and actual income and expenses to date. If it appears that income is less than anticipated, the Commission shall reduce appropriations, except amounts required for debt and interest charges, to the degree necessary to keep expenditures from exceeding income.

SECTION 6.27 DESIGNATION OF DEPOSITORIES: The Commission shall designate one or more depositories for City funds and shall provide for the regular deposit of all City moneys. The Commission shall provide for such security for City deposits as is required by State law. Personal surety bonds shall not be deemed proper security.

SECTION 6.28 ANNUAL AUDIT: An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Commission. The audit shall be made by a qualified accountant. An annual report of the City business shall be made available to the public by the Commission in such form as will disclose pertinent facts concerning the City's activities and finances.

SECTION 6.29 LIMITATIONS ON SPECIAL TAX VOTED: If an amount of money is required in any fiscal year for any public City purpose greater than the amount of money provided by the budget, and if the commission deems it advisable to raise the amount of money by tax rather than by the issue of bonds, the amount may be raised by tax if authorized by the affirmative vote of three-fifths of the qualified electors of the City voting on that issue at an annual or special City election. The tax, together with the general taxes provided in the budget and all other taxes voted during the same fiscal year under the provisions of this Charter, shall not exceed 2.0 percent (20 mills) of the assessed value of real and personal property in the City.

SECTION 6.30 ELECTION TO VOTE SPECIAL TAX: To the extent applicable, the provisions of the Charter shall control the calling and the holding of an election to vote upon a special City tax.

SECTION 6.31 ASSESSOR TO SPREAD SPECIAL TAX: At its first regular meeting following the canvass of the results of the election on the special tax, the Commission shall order the Assessor to spread the special tax in full upon a special tax roll in the same manner in which the Assessor spreads the annual City taxes upon the annual City Tax Roll. The Commission shall direct the Treasurer to collect the special tax within twenty days of its due date, which due date shall correspond to the first day on which the Treasurer is authorized to collect the special tax. The special tax must be authorized, spread and collected in this manner prior to the first day or May following the passage of the Commission resolution calling the special tax election.

SECTION 6.32 TREASURER'S POWERS AND DUTIES FOR SPECIAL TAX COLLECTION: The Treasurer shall possess the same powers and perform the same duties in the collection of a tax specially voted as the Treasurer does in the collection of the annual City tax.

SECTION 6.33 POWER TO BORROW: The Commission may borrow, in any year, in anticipation of the collection of taxes as provided by State law.

CHAPTER 7

City-Owned Utilities

SECTION 7.1 UTILITY POWERS RESERVED BY CITY: The City reserves to itself, without limitation, the power to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, public utilities permitted by State law to be acquired, owned and operated by cities. By way of example and not by way of limitation, the City's reserved public utility powers extend to public utilities for supplying water, light, heat, power, gas, sewage treatment, garbage disposal, cable television, and housing projects for its citizens. Also by way of example and not limitation, the City may also acquire, own, improve, maintain, construct and operate parks, boulevards, cemeteries and hospitals.

SECTION 7.2 POWER TO ACQUIRE PUBLIC UTILITIES: The City may not acquire any public utility unless a proposition to acquire it is approved by at least three-fifths of the qualified electors of the City voting on that issue at any regular or special election. This requirement shall only apply to public utilities which supply water, light, heat, power and transportation. The question of issuing City bonds to raise money for the purchase may be submitted to City bonds to raise money for the purchase may be submitted to City electors at the same time, either as an independent question or as part of the same question.

SECTION 7.3 POWER TO FIX AND COLLECT UTILITY RATES: The Commission shall have the power to periodically fix by resolution or ordinance equitable rates it deems advisable for supplying City inhabitants and others with various City utility services. The Commission shall provide by ordinance for the collection of all public utility charges made by the City.

SECTION 7.4 UTILITY ACCOUNTS TO BE SEPARATE: A separate account, distinct from any other City accounts, shall be kept for each public utility owned or operated by the City. Each separate utility account shall show the true and complete financial results of the City's ownership or operation of the utility, including all assets, liabilities, revenues and expenses. Each separate account shall show as nearly as possible the value of the service rendered by each public utility. The Commission shall require an annual report to be made, showing the financial results of ownership or operation of each utility. Each report on every utility shall be on file in the office of the Clerk for public inspection.

CHAPTER 8
Franchises, Licenses, Contracts and Leases

SECTION 8.1 FRANCHISES, LICENSES, CONTRACTS AND LEASES
REMAIN IN EFFECT: All Franchises, licenses, contracts and leases to which the City is a party when this Charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

SECTION 8.2 GRANTING OF PUBLIC UTILITY FRANCHISES: Public utility franchises, including their renewals, extensions and amendments, may only be granted by ordinance. No exclusive franchise may be granted. No franchise shall be granted for longer than 30 years. No franchise ordinance which is not subject to revocation at the will of the City shall be enacted or become operative until it has been approved by at least 60 percent of the electors of the City voting at a regular or special election. No franchise ordinance shall be approved by the Commission for referral to the electorate until at least 30 days after the franchise application has been filed with the Commission, until a public hearing has been held on the franchise ordinance, and until the franchise applicant has filed with the Clerk written unconditional acceptance of all terms of the franchise ordinance. No special election for this purpose shall be ordered by the Commission unless the expense of the election as determined by the Commission is first paid to the Treasurer by the applicant. A franchise ordinance which is subject to revocation at the will of the City may be enacted by the Commission without referral to the voters, but it shall not be enacted or become operative unless it has remained on file with the Clerk in its final form for public inspection for at least two weeks before it is enacted.

SECTION 8.3 CONDITIONS OF PUBLIC UTILITY FRANCHISES: All public utility franchises granted after the adoption of this Charter shall be subject to the following rights of the City, whether or not these rights are specified in the franchise ordinance. These rights shall not be exclusive or impair the right of the Commission to insert any additional provisions within the power of the City to require. The City's rights include the rights to:

- (a) Repeal the franchise for misuse, non-use or failure to comply with the provisions of the franchise;
- (b) Require reasonable and adequate extension of the utility's plant and its service;
- (c) Require maintenance of the utility's plant and its service at the highest practicable standard of efficiency;
- (d) Establish reasonable standards for the quality of products;
- (e) Prevent unjust discrimination in service or rates;
- (f) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout its entire period;
- (g) Impose other reasonable regulations as may be conducive to the public's health, safety and welfare;

- (h) Use, control and regulate the use of City streets, alleys bridges and other public places, including the space above and beneath them; and
- (i) Protect and save the City harmless from all damages arising from the use of the franchise.

SECTION 8.4 CONTRACTS, BIDS AND COMPARATIVE PRICING:

Competitive bids shall be obtained for the construction of any public improvement or for the purchase of any materials when required by State law or, in addition, when the Commission deems competitive bids advisable. The Commission may reject any or all bids.

Above \$1,000.00 but less than the amount established by State law for competitive bidding, the Commission shall at least engage in comparative pricing for the construction of any public improvement or for the purchase of any materials. “Comparative pricing” shall be defined for purposes of this Section as seeking price quotations from at least two qualified vendors or contractors, if reasonably available.

SECTION 8.5 LIMITS ON CONTRACTS: No contract may be made with any person who is in default to the City. Except as permitted by State law, no contract or purchase may be made by the City in which any City officer has any direct or indirect pecuniary interest.

**CHAPTER 9
Borrowing and Bonds**

SECTION 9.1 GENERAL BORROWING: Subject to the applicable provisions of State law and this Charter, the Commission may by ordinance or resolution authorize the borrowing of money and the issuance of City bonds or other evidence of indebtedness for any purpose within the City’s scope of powers. The Commission may pledge the City’s full faith, credit and resources for the payment of the obligation so created.

SECTION 9.2 BONDS: The City shall have the power to issue all types of bonds in the manner and for the purposes permitted by the Constitution and laws of the State.

SECTION 9.3 PREPARATION AND RECORD: Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued. No officer of the City may use the proceeds from the bond or other evidence of indebtedness for any other purpose. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Clerk.

SECTION 9.4 LIMITATION OF INDEBTEDNESS: That net bonded indebtedness incurred by the City for all public purposes may never exceed ten percent of the assessed valuation of the real and personal property within the City subject to taxation as shown by the City’s last preceding assessment roll. However, bonds issued in anticipation of the collection of special assessments shall not be included in the ten percent limit. Further, indebtedness incurred by the City because of a fire or flood or

other calamity shall not be included in the ten percent limit, if the indebtedness is for not more than five years and does not exceed three-eighths of one percent of the City's last preceding assessment roll. Mortgage bonds for the acquiring, owning, purchasing, constructing or operating of any public utility which the City is authorized by law to acquire or operate shall not be included in the ten percent limit. Finally, moneys on hand in a sinking fund limited to the payment of indebtedness may be treated as a reduction of the City's indebtedness.

CHAPTER 10 **Special Assessments**

SECTION 10.1 GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS: The Commission shall have the power to determine the necessity of any local or public improvement and to determine by resolution if all or part of its expense shall be defrayed by special assessment upon any property especially benefited. All special assessments levied shall be based upon or in proportion to the benefits derived or to be derived. The Commission shall establish by resolution the estimated cost of the improvement, what proportion of the cost shall be paid by special assessment, what part, if any, shall be a general obligation of the City, the number of installments in which assessments may be paid, and the districts or land upon which special assessments shall be levied.

SECTION 10.2 DETAILED PROCEDURE TO BE FIXED BY ORDINANCE: The Commission shall prescribe by ordinance the complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls in advance of starting the improvements, the correction of errors in assessment rolls, the collection of special assessments, and any other matters concerning the making of improvements by special assessment.

SECTION 10.3 HAZARDS AND NUISANCES: When any lot, building or structure within the City becomes, in the opinion of the Commission, a public hazard or nuisance which is dangerous to the health or safety of the City's visitors or inhabitants, the Commission may, after investigation, give notice to the owner of the land upon which such hazard or nuisance exist, or the owner of the building or structure itself. The notice shall specify the nature of the hazard or nuisance, which may result from the accumulation of refuse or debris, the uncontrolled growth of weeds, age or dilapidation, or any other condition or occurrence. The notice shall further require the owner to alter, repair, tear down or remove the hazard or nuisance promptly, within a reasonable time to be specified by the Commission. If the owner has not complied with the requirements of the notice within the specified time, or if the owner of the land or building or structure is not known or cannot be found, the Commission may order the hazard or nuisance abated by the proper department or agency of the City which is qualified to do the required work. The Commission may further order the cost of the abatement to be assessed against the real property upon which the hazard or nuisance was located.

CHAPTER 11 Miscellaneous

SECTION 11.1 PENALTIES FOR VIOLATION OF CHARTER: Any officer of the City found guilty by a court of competent jurisdiction of any act which violated this Charter shall be guilty of misconduct in office and of a misdemeanor. The officer may be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days, or both such punishments in the discretion of the court. In addition, the officer shall forfeit his office with the City. These punishments shall be in addition to and not in place of any punishment for any other statutory or other violations committed by the officer.

SECTION 11.2 SATURDAYS, SUNDAYS AND HOLIDAYS: When this Charter established a deadline which falls on a Saturday or Sunday or a holiday for which City Hall is closed, the deadline shall be extended to the next day during which City Hall is open.

SECTION 11.3 DEFINITION OF MAJORITY VOTE OF COMMISSION: When this Charter uses the term or refers to the concept “majority vote of the Commission” the term shall mean the concurring vote of a majority of the members of the Commission present and voting at any legal meeting of the Commission at which a quorum is present.

SECTION 11.4 RECORDS OPEN TO THE PUBLIC: Subject to any exceptions in applicable State or Federal law, all records of the City shall be open to the public.

SECTION 11.5 OFFICIAL, NEWSPAPER DESIGNATED: The Commission may designate an official newspaper of general circulation in the City.

SECTION 11.6 AMENDMENTS: This Charter may be amended at any time in the manner provided by State law. If two or more amendments are adopted at the same election and have conflicting provisions, the one receiving the largest affirmative vote shall prevail.

SECTION 11.7 INTERPRETATIONS: Except as otherwise specifically provided or indicated by the context, the following rules of interpretation shall apply to this Charter.

- (a) All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the occurrence of any event or requirement, described in this Charter.
- (b) The singular number shall include the plural and the plural number shall include the singular.
- (c) The word “person” shall include political bodies, corporate bodies, unincorporated entities, partnerships, sole proprietorships, as well as individuals.

- (d) The words “printed” and “printing” shall include reproductions by any reliable method.
- (e) Except in reference to signatures, the words “written” and “in writing” shall include any method of documented communication which is understandable to normal literate persons.
- (f) The word “officer” shall include but not be limited to the members of the Commission, the City’s administrative officers, and their deputies.
- (g) Any references to statutes shall be considered to be references to those statutes as amended.
- (h) All references to section numbers shall refer to section numbers of this Charter.

SECTION 11.8 SEVERABILITY: If any provision, section or clause of this Charter is held invalid, the invalidity shall not affect any remaining portion of this Charter. This Charter is declared to be severable.

SECTION 11.9 EFFECTIVE DATE: If this Charter is adopted at the election to be held on November 5, 1996, it shall take effect and become the Charter of the City on December 1, 1996.

CHAPTER 12

Schedule

SECTION 12.1 OFFICERS OF THE CITY: The elected officers of the City holding office on the effective date of this Charter shall continue to hold the offices to which they were elected for the balance of the terms for which they were elected and shall conduct their several offices subject to the provision of this Charter. When the terms of those elected officers expire, their successors shall be selected in accordance with the provisions of this Charter.

SECTION 12.2 ELECTION: This Charter shall be submitted to a vote of qualified electors of the City at an election which shall be held on November 5, 1996. All provisions for the submission of the question of adopting this Charter at that election shall be made in the manner provided by law. After that election, if the majority of electors voting on the issue shall vote in favor of adopting this Charter, then the City Clerk shall perform all other acts required by law to carry this Charter into effect.

SECTION 12.3 BALLOT QUESTION: The ballot question to be presented to the qualified electors of the City on November 5, 1996 shall be stated as follows:

Shall the proposed Charter be adopted as the Charter for the City of Fennville?

Yes

No

Instruction: A “yes” vote indicates that you are in favor of adopting the proposed Charter. A “no” vote indicates that You are opposed to the adoption of the proposed Charter.